

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNIVERSAL HEALTH GROUP,

Plaintiff(s),

CASE NUMBER: 09-12524

HONORABLE VICTORIA A. ROBERTS

v.

ALLSTATE INSURANCE COMPANY,

Defendant(s).

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

On May 12, 2010, Magistrate Judge Michael Hluchaniuk submitted a Report and Recommendation (Doc. #62) recommending that Defendant's motion to strike Plaintiff's Second Amended Complaint (Doc. #31) be GRANTED IN PART AND DENIED IN PART.

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 72(b)(2), the Court **ADOPTS** the Magistrate Judge's Report and Recommendation. Plaintiff's fraud claim is **DISMISSED WITHOUT PREJUDICE**, the new allegations in Plaintiff's Second Amended Complaint are **STRICKEN**, Defendant's motion to strike Plaintiff's defamation claim is **DENIED**, and Defendant's motion to strike Plaintiff's tortious interference claim is **DENIED**.

Plaintiff has until **Monday, June 21, 2010** to file a third amended complaint that does not contain allegations or claims beyond those alleged in the First Amended Complaint, with the exception of Plaintiff's new allegations regarding the notice and

retraction issues for its defamation claim.

**IT IS ORDERED.**

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: June 4, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 4, 2010.

s/Linda Vertriest  
Deputy Clerk